



OFFICE OF THE COUNTY CLERK

*JOSEPH J. CZARNEZKI • COUNTY CLERK***MEMO**

DATE: March 20, 2013
TO: The Honorable County Board of Supervisors
FROM: Joseph J. Czarnezki, County Clerk
SUBJECT: Vetoed File Returned

The County Executive has returned to my office the following file:

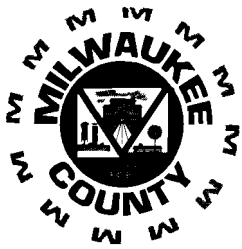
File No. 13-77 – From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured.

This resolution was adopted by a vote of 12 ayes – 4 noes at your meeting of March 12, 2013.

The County Executive has vetoed this resolution and attached is a copy of his veto message wherein he states his objection.

This matter is now before your honorable body.

Joseph J. Czarnezki, County Clerk



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

DATE: March 20, 2013

TO: The Honorable Milwaukee Board of Supervisors

FROM: Chris Abele, Milwaukee County Executive

RE: Veto of County Board File No. 13-77 on the Transition of the House of Correction to an appointed Superintendent.

I am vetoing County Board File No. 13-77 pursuant to the authority granted to me by Article IV, Section 23(a) of the Wisconsin Constitution and Section 59.17(6) of the Wisconsin Statutes.

The County Board adopted an amended resolution on March 12, 2013 delaying the transition of the House of Correction (HOC) to an appointed Superintendent and ordering the Sheriff to grant access to the HOC upon confirmation of the Superintendent by the County Board.

I am vetoing this amended resolution because it delays the ability of the interim Superintendent to get access to the facility he has been hired to run. This, in turn, impedes my ability to carry out the County Board's policy.

My office worked closely with Chairwoman Marina Dimitrijevic and with Supervisor Mark Borkowski to ensure they understood that in implementing the Board's policy in the face of the Sheriff's legal action, the administration needed policy clarity to smooth the transition and minimize the risks to the County. The result was a compromise resolution that passed out of the Judiciary, Safety and General Services Committee. That resolution would have helped the HOC transition proceed in a safe manner, while giving the interim Superintendent and other County staff adequate time and access to the facility and HOC staff. Instead, the Board passed an amendment that was hastily introduced on the floor and wasn't shared with my office or Corporation Counsel.

The intent of the amendment introduced on the floor is unclear. Its only effect is to delay access to the facility that the County Board asked my administration to take over.

As I informed you all on March 1st, Mr. Hafemann has been hired on a personnel services contract because of the uncertainty resulting from the Sheriff's pending legal action. The intent was, and remains, to ensure a smooth and safe transition while also maximizing the County's

flexibility. I do not intend to appoint a full-time Superintendent – as this resolution calls for – until there is legal clarity surrounding this issue, as that will only increase the County's liability and costs. As Supervisors have been told by Corporation Counsel, this case could drag on for more than a year. Appointing someone now would unnecessarily reduce flexibility and stick taxpayers with an avoidable bill for salary and fringe benefits.

While this legal case moves forward, the Superintendent's workload is uncertain. Under the compromise resolution, Mr. Hafemann will only be paid for the time he works. If he only works 10 hours per week, that will cost taxpayers \$2,450 a month. However, were he to be appointed full-time Superintendent (with benefits), the cost to taxpayers skyrockets to \$10,638 a month. In just three months that would end up costing taxpayers \$24,563 more.

Once there is legal clarity, I will certainly bring the Superintendent to the Supervisors for their approval. In the meantime, Mr. Hafemann has and will continue to meet with Supervisors and address any concerns that you have.

To be clear, while I am forced to veto this entire file, I continue to believe that because of legal uncertainty an April 1st transition is not in the County's best interest. I appreciate the Board's work in holding a Special Meeting and getting to the compromise reached in the Judiciary, Safety and General Services Committee, and I hope that the Board will work with me to ensure that we can achieve the goals of the transition safely while also maintaining our flexibility in the face of the Sheriff's legal action. Ideally, Mr. Hafemann could work hand-in-hand with the Sheriff's staff to transfer knowledge, practices, and policies and reach agreement on shared services. We will continue to work to ensure the smoothest transition possible given the circumstances.

Like most Supervisors, I think we can do better at the HOC, and I want to move forward on the transition but we must do it in an effective way.

I encourage the Board to sustain this veto and, under suspension of the rules, consider the attached compromise resolution as passed by the Judiciary, Safety and General Services Committee. That compromise resolution moves forward the Board's policy regarding the transition while maintaining fiscal and practical flexibility for the County.



Milwaukee County

County Courthouse
901 N. 9th Street, Rm.
105
Milwaukee, WI 53233

Signature Copy

Action Report: 13-77

File Number: 13-77

From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured. (01/24/13: Laid Over for One Meeting Cycle)

SEE ATTACHMENTS


RECORD OF COUNTY BOARD AND COUNTY EXECUTIVE ACTIONS

The attached resolution or ordinance was ADOPTED AS AMENDED by the Milwaukee County Board of Supervisors on March 12, 2013 by the following vote:

Ayes: 12 Alexander, Bowen, Broderick, Cullen, Dimitrijevic, Haas, Johnson Jr., Jursik, Lipscomb Sr., Romo West, Stamper II, and Weishan

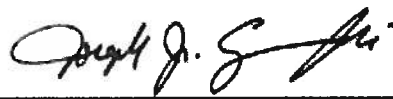
Noes: 4 Borkowski, Mayo Sr., Schmitt, and Taylor

Certification of County
Board Passage by
County Board
Chairwoman


Marina Dimitrijevic


Date MAR 12 2013

Certification of County
Board Passage by
County Clerk


Joseph J. Czarnecki

Date MAR 12 2013

County Executive
approval/~~veto~~ of
attached
resolution/ordinance.


Chris Abele

Date 3/20/13

Received by County
Clerk


Joseph J. Czarnecki

Date 3/20/2013

(ITEM) From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, the 2013 Adopted Budget transfers management of the County Correctional Facility – South (CCFS) to a Superintendent, appointed by the County Executive, effective April 1, 2013; and

WHEREAS, the Office of the Sheriff has filed a law suit alleging constitutional authority over CCFS on December 12, 2012; and

WHEREAS, there are several services that require collaboration between the Office of the Sheriff and the Superintendent in order to operate the CCFS and the County Correctional Facility – Central (CCFC) in a manner that is both safe for inmates and the public and efficient with taxpayer resources; and

WHEREAS, access to facilities, operations and documents is not currently available to the Transition Team; now, therefore,

BE IT RESOLVED, that Milwaukee County hereby clarifies its intent, in the event the litigation is terminated in a manner that allows the transition to occur, to transition control of CCFS from the Office of the Sheriff to an appointed Superintendent by July 31, 2013; and

BE IT FURTHER RESOLVED, the Office of the Sheriff will operate and control CCFS until the transition to the Superintendent is complete; and

BE IT FURTHER RESOLVED, in the event the litigation is terminated in a manner that allows the transition to occur, the Office of the Sheriff will fully cooperate with the County Executive in implementing the CCFS transition to an appointed Superintendent, including leaving in place sufficient quantity and quality of staff to operate the CCFS in an effective and safe manner during the transition period; and

BE IF FURTHER RESOLVED, that the position of House of Correction Superintendent is created effective March 13, 2013 (instead of the April 1, 2013 position creation date listed in the 2013 Adopted Budget), and that the Office of the Sheriff will immediately grant, upon confirmation of the Superintendent by the County Board, the County Executive, Superintendent, and any appropriate county official he designates, access to the CCFS (House of Correction) and all CCFS records, including but not limited to classification and personnel records, in order to enable a smooth and secure transition of the facility.

(ITEM 4) From the County Executive, requesting authorization to delay the transition of the County Correctional Facility - South to an appointed Superintendent until at least 4 months after legal clarity is secured, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, the 2013 Adopted Budget transfers management of the County Correctional Facility – South (CCFS) to a Superintendent, appointed by the County Executive, effective April 1, 2013; and

WHEREAS, the Office of the Sheriff has filed a law suit alleging constitutional authority over CCFS on December 12, 2012; and

WHEREAS, there are several services that require collaboration between the Office of the Sheriff and the Superintendent in order to operate the CCFS and the County Correctional Facility – Central (CCFC) in a manner that is both safe for inmates and the public and efficient with taxpayer resources; and

WHEREAS, access to facilities, operations and documents is not currently available to the Transition Team; now, therefore,

BE IT RESOLVED, that Milwaukee County hereby clarifies its intent, in the event the litigation is terminated in a manner that allows the transition to occur, to transition control of CCFS from the Office of the Sheriff to an appointed Superintendent by July 31, 2013; and

BE IT FURTHER RESOLVED, the Office of the Sheriff will operate and control CCFS until the transition to the Superintendent is complete; and

BE IT FURTHER RESOLVED, in the event the litigation is terminated in a manner that allows the transition to occur, the Office of the Sheriff will fully cooperate with the County Executive in implementing the CCFS transition to an appointed Superintendent, including leaving in place sufficient quantity and quality of staff to operate the CCFS in an effective and safe manner during the transition period.

BE IF FURTHER RESOLVED, that the Office of the Sheriff will immediately grant the County Executive, Interim Superintendent, and any appropriate county official he designates, access to the CCFS (House of Correction) and all CCFS records, including but not limited to classification and personnel records, in order to enable a smooth and secure transition of the facility.

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APPROVED AS TO FORM

CORPORATION COUNSEL

MILWAUKEE COUNTY BOARD OF SUPERVISORS

MAR 12 2013

ADOPTED

DATE: March 12, 2013

ITEM NO. 4

AMENDMENT NO. /

Resolution File No. 13-77

Ordinance File No.

COMMITTEE: Judiciary, Safety & General Services

OFFERED BY SUPERVISOR(S): Cullen

Amend the proposed by adding and deleting the following language in the last BE IT FURTHER RESOLVED clause:

BE IF FURTHER RESOLVED, that the position of House of Correction Superintendent is created effective March 13, 2013 (instead of the April 1, 2013 position creation date listed in the 2013 Adopted Budget), and that the Office of the Sheriff will immediately grant, upon confirmation of the Superintendent by the County Board, the County Executive, ~~Interim~~ Superintendent, and any appropriate county official he designates, access to the CCFS (House of Correction) and all CCFS records, including but not limited to classification and personnel records, in order to enable a smooth and secure transition of the facility.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 1/10/13

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: Request to Delay Transition of Management of the County Correctional Facility-South (House of Correction) from the Office of the Sheriff Due to Pending Litigation

FISCAL EFFECT:

- | | |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input checked="" type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	Unknown	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

The fiscal impact of this action cannot be estimated due to the unknown timeframe involved. The action requests to delay transition of management of the facility until a date four months after completion of litigation related to the transfer.

The 2013 Adopted Budget includes the creation of 5.0 FTE Positions related to the transfer: 1.0 FTE Superintendent-HOC, 1.0 FTE Assistant Superintendent-HOC, and 3.0 FTE Corrections Officer Lieutenants. The monthly salary, social security and active fringe benefit costs of these five positions is \$43,048. Delaying the hiring of these positions is the only item that would have a fiscal impact. Therefore, each month that the transition is delayed, causing a delay in the hiring of these positions, would result in a cost reduction of up to \$43,048.

Department/Prepared By Joshua Fudge

Authorized Signature



Did DAS-Fiscal Staff Review? ☒ Yes ☐ No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.